

ACKNOWLEDGEMENT OF RECEIPT OF LETTER

I, Steve Burton, employee of Weber County Planning Division hereby acknowledge that I have received a copy of a letter dated February 7, 2017 from Jonathan R. Grover of Evans, Grover & Beins, P.C. on behalf of his clients Favero Farms, A.G. Favero Sons, LLC, Dave Favero & Tom Favero, on this 7th day of February, 2017.



By: Planner II

EVANS, GROVER & BEINS, P.C.
~ATTORNEYS AT LAW~

A Professional Corporation
P.O. Box 160 - 52 West Main Street
Tremonton, UT 84337

JONATHAN R. GROVER**+
CHRISTOPHER A. BEINS

Tel: (435) 257-6590
Fax: (435) 257-6592
Toll: (866) 486-5950
www.egb-law.com

* Also admitted in California.
+ Also admitted in Idaho.

BRUCE C. EVANS (1956-2010)

February 6, 2017
Via U.S. First Class Mail

Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Re: Sun Crest Meadows Subdivision Protest
My Clients: Favero Farms, LC, A.G. Favero Sons, LLC, Tom Favero & Dave Favero

Dear Ladies & Gentlemen:

I have been retained to represent Favero Farms, LC, A.G. Favero Sons, LLC, Tom Favero, and Dave Favero for the limited purpose of preparing and forwarding this letter to you for the proposed Sun Crest Meadows Subdivision, located at 2550 S. 4700 W., Taylor, Utah 84401. Rule 1.2 of the Rules of Professional Conduct provide that a lawyer may limit the scope of the representation. As such please direct any response or questions to my clients, whose address and contact information is provided below.

It is my clients understanding that the proposed subdivision is for 47 lots of single family residences. The lots are sized at 40,000 square feet.

My clients are agricultural producers who work and reside across 2550 South Street from the proposed Sun Crest Meadows Subdivision. They are third generation Weber County farmers who have lived and worked in this area their whole lives. They are acutely aware of the water drainage, traffic, and road issues affecting this area of Weber County and they want the County and Developer to ensure that these issues are addressed in the development and construction stages of the subdivision. My clients have several points they request be addressed with the Sun Crest Meadows Subdivision as follows:

First, there exists a drainage ditch that runs along the south side of 2550 South from 4700 West to 5100 West which serves as a drain for run-off water. In addition, there is a drainage ditch that branches off of 2550 South at about 4950 West, which then runs through proposed Lots 30, 31 and 33, as well as the proposed detention pond area, through a natural slough of the

proposed Sun Crest Meadows. There are several upstream drains that flow into these drainage ditches. These drainage ditches then join together and are ultimately directed into the Great Salt Lake. Since the latest plats filed by the developer with the County do not show the drainage ditch branching off of 2550 South at about 4950 West running through proposed Lots 30, 31 and 33, it is crucial that the entire drainage ditch from 4700 West to 5100 West be piped with at least 36" casing to provide for adequate water flow of both drainage ditches during peak run off times.

My clients have previously stated their willingness to cooperate to improve the drainage with a 36" drain pipe in the area of property along 2550 South owned by Dave and Tom Favero near the corner of 5100 West and thence running South to the slough. However, the existing 24" drain pipe would need to be changed to a 36" pipe in front of the two existing homes located at 5025 West and 5035 West on 2550 South, currently titled in the names of F. Stanley Nielsen & Peggy P. Nielsen, Co-Trustees. This area has flooded in the past because the ditch has been obstructed. The safety of the people living in this area and the security of the older homes and new homes to be built, require this entire area to be piped with 36" casing. My clients also understand that the 36" casing size was recently recommended by the Weber County Engineer's Office.

I cannot stress enough that it should be the responsibility of the developer to pipe the drainage ditch in front of the existing homes between 4700 West and 5100 West at the same time he installs the new drainage pipe in front of Lots 1, 7, 30 & 35. It is my clients' understanding that the property owner or F. Stan Nielsen was the same or related to the person responsible for those homes when originally constructed. Historically, the water shed drainage has continually shown and demonstrated through the past, problems with flooding and drainage that needs to be addressed now before further development is permitted. This problem will only be compounded and exacerbated when 47 additional homes are built upon the natural water shed for this area.

Second, there are various irrigation service ditches with established rights-of-way that need to be recognized on the plat. Particularly my clients utilize an irrigation service ditch from 4700 West all the way to southwest corner of the proposed subdivision, then turning 300 feet north inside the lots, then turning through a fence into my clients' property. The rights-of-way for service ditches need to be addressed, drawn and stated on the plats to provide property owners proper notice of the irrigation issues and rights of way in the area.

Third, sidewalk, curb and gutter should be installed to ensure the safety of residents and pedestrians because this area is growing, families with small children are present, and with nearly 50 new residences being proposed, safety needs to be a primary concern. Requiring installation of sidewalk, curb and gutter in this subdivision is good policy for Weber County, given the density of the housing, the number of people who will be using it, the safety it provides, and other various factors.

Fourth, there needs to be a requirement to widen the roadway to provide for turning lanes, or at least pull-outs for school buses and other traffic. The current paved roadway is approximately 10' on both sides of center. There is insufficient room for passing, turning or slowing vehicles other than the one travel lane. This creates a safety issue for all persons using the roadway, which will be exacerbated given the request for nearly 50 new residences and resulting increased traffic on the roadway by potentially 100 or more cars per day. To safely accommodate drivers, pedestrians, and residents, setback requirements should be 40' from center

of road with turning lanes, or an additional 10' asphalt pull off for school buses and other traffic.

Fifth, a boundary fence bordering all my clients' property on the west and south needs to be required in order to ensure safety, damage to ditches or crops, discourage trespasses, and prevent other criminal or civil damage. The request by the developer to change the proposed use of this historical agricultural property to residential requires borders to be addressed. My clients still maintain an agricultural presence on their property, using large machinery to till soil, grow and harvest crops and maintain irrigation ditches. A development creates a change in use that imposes a high risk of danger to potential residents if a barrier fence is not installed. For example, young children, pets and items of personal property are easily attracted to abutting agricultural property due to its open spaces. A bordering fence not only makes good neighbors, but helps to provide safety to all parties.

Sixth, when the two homes located at 5025 West and 5035 West were built by the property owner or F. Stan Nielsen, it was requested as part of the permitting process that the old, unsafe animal coops be tore down and properly disposed. To date, this has not been done. Now with the addition of nearly 50 homes near these unsafe structures, it becomes a pressing safety issue. Before any additional development is allowed, the developer should be required to properly dispose of the old, unsafe animal coops.

Therefore, my clients request that Weber County require the developer to do the following: (1) install a 36" casing for drain water along the entire length of 2550 South; (2) require irrigation ditch easements and rights of way; (3) require sidewalk, curb and gutter for the development; (4) require widen roadway of 2550 with turn lanes, or pullouts; (5) require the installation of a bordering fence with my client's property; and (6) require the old, unsafe coops be tore down and properly disposed. Each of these items promotes the safety and welfare of all individuals in this area that desire to call it home, and helps protect the integrity of agriculture for which this area has historically been recognized.

If you have further questions or need clarification, please contact Dave Favero or Tom Favero at 4862 West 2550 South, Ogden, Utah; Tel: (801) 544-6103 or (801) 544-6883.

Respectfully Yours,

EVANS, GROVER & BEINS, P.C.



Jonathan R. Grover, Esq.

JRG/

Cc Favero Farms, LC
A.G. Favero Sons, LLC